

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MMODAL SERVICES LTD.,
Plaintiff,

vs.

NUANCE COMMUNICATIONS, INC.,
Defendant.

Civil Action No.
1:18-cv-00901-WMR

NUANCE COMMUNICATIONS, INC.,
Counterclaim Plaintiff,

vs.

MMODAL SERVICES LTD.,
MULTIMODAL TECHNOLOGIES, LLC,
MULTIMODAL TECHNOLOGIES, INC.,
MMODAL IP LLC, MMODAL, INC., and
MMODAL LLC,
Counterclaim Defendants.

**JOINT MOTION FOR EXTENSION OF TIME TO FILE
OPENING CLAIM CONSTRUCTION BRIEFS AND LEAVE TO
FILE OPENING CLAIM CONSTRUCTION BRIEFS
IN EXCESS OF TWENTY-FIVE PAGES**

MModal Services LTD., *et al.* and Nuance Communications, Inc. (hereinafter “the Parties”) hereby respectfully request (1) a one-day extension of time to file their opening claim construction briefs, and (2) leave to file opening claim construction

briefs in excess of twenty-five pages. In support of their Motion, the Parties state as follows:

Regarding the extension of time, the Parties' opening claim construction briefs are currently due Sunday, February 10, 2019 (Dkt. No. 56). To the extent not already provided by Federal Rule 6(a)(1)(C), the Parties request an extension of time of one day, up to and including February 11, 2019, to file their opening claim construction briefs. This request is not made for purposes of delay.

Regarding the length of the briefs, Local Rule 7.1D states that "[a]bsent prior permission of the court, briefs filed in support of a motion or in response to a motion are limited in length to twenty-five (25) pages." It is unclear whether this limitation applies to claim construction briefs because claim construction briefs are not filed in support of a discrete motion, but instead are filed as directed by Local Patent Rule 6.5. *See, e.g., Beverage Dispensing Solutions, LLC v. The Coca-Cola Company*, No. 1:14-CV-00220-TCB, ECF No. 80 (N.D. Ga. August 6, 2014) (requesting leave to file 45 pages for opening briefs and 45 pages for responsive briefs); *see also id.* at ECF No. 81 (N.D. Ga. August 7, 2014) (granting motion). In an abundance of caution, however, and to the extent leave is necessary, the parties respectfully request leave of this Court to allow both parties no more than forty pages for each of their respective Opening Claim Construction Briefs.

Additional pages are necessary to adequately address the claim construction issues raised in this case based on the number of asserted claims, the number of disputed terms, and the proposed expert testimony.

Accordingly, the parties respectfully request a one-day extension to file opening claim construction briefs not to exceed forty pages in length. A proposed order is filed with this Motion for the Court's convenience.

Respectfully submitted, this 4th day of February, 2019.

Counsel for Nuance Communications, Counsel for MModal Services Ltd. et al Inc.

/s/ Sudip Kundu (with consent)

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CERTIFICATES OF SERVICE AND COMPLIANCE

I hereby certify that on February 4, 2019, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record and, pursuant to LR 7.1D, I certify that the foregoing has been prepared in Times New Roman 14 point, one of the fonts and points approved by the Court in LR 5.1C.

/s/ Alice E. Snedeker

Alice E. Snedeker